

# United States Bankruptcy Court

## District of New Hampshire

# Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):  
**Victor Virgin Construction Corp.**

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 8 years  
(include married, maiden, and trade names):

All Other Names used by the Joint Debtor in the last 8 years  
(include married, maiden, and trade names):

Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN  
(if more than one, state all)  
**02-0492440**

Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN  
(if more than one, state all)

Street Address of Debtor (No. and Street, City, and State):  
**346 Lake Shore Drive  
Franklin, NH**

Street Address of Joint Debtor (No. and Street, City, and State):

ZIP Code

**03235**

ZIP Code

County of Residence or of the Principal Place of Business:  
**Merrimack**

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

ZIP Code

Mailing Address of Joint Debtor (if different from street address):

ZIP Code

Location of Principal Assets of Business Debtor  
(if different from street address above):

### Type of Debtor

(Form of Organization)  
(Check one box)

- ☐ Individual (includes Joint Debtors)  
*See Exhibit D on page 2 of this form.*
- ☒ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

### Nature of Business

(Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☒ Other

### Tax-Exempt Entity

(Check box, if applicable)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

### Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7
- ☐ Chapter 9
- ☒ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

### Nature of Debts

(Check one box)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ Debts are primarily business debts.

### Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

### Check one box:

- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☒ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

### Check if:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter).

### Check all applicable boxes:

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

### Statistical/Administrative Information

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

### Estimated Number of Creditors

☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000 ☐ 25,001-50,000 ☐ 50,001-100,000 ☐ OVER 100,000

### Estimated Assets

☒ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

### Estimated Liabilities

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☒ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>Victor Virgin Construction Corp.</b>	
<b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet)			
Location Where Filed: <b>- None -</b>	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
<b>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor</b> (If more than one, attach additional sheet)			
Name of Debtor: <b>- None -</b>	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<b>Exhibit A</b>  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.	<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).  <b>X</b> _____ Signature of Attorney for Debtor(s) (Date)		
<b>Exhibit C</b> Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)  <div style="margin-left: 40px;">         _____          (Name of landlord that obtained judgment)       </div>  <div style="margin-left: 40px;">         _____          (Address of landlord)       </div>			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

**Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

**Victor Virgin Construction Corp.****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** \_\_\_\_\_  
Signature of Debtor

**X** \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

**Signature of Attorney\***

**X** /s/ William S. Gannon  
Signature of Attorney for Debtor(s)

William S. Gannon 01222

Printed Name of Attorney for Debtor(s)

William S. Gannon PLLC

Firm Name

889 Elm Street, 4th Floor  
Manchester, NH 03101

\_\_\_\_\_  
Address

Email: mjoyce@gannonlawfirm.com

(603) 621-0833 Fax: (603) 621-0830

\_\_\_\_\_  
Telephone Number

November 17, 2010

\_\_\_\_\_  
Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** /s/ Victor Virgin  
Signature of Authorized Individual

Victor Virgin

Printed Name of Authorized Individual

President

\_\_\_\_\_  
Title of Authorized Individual

November 17, 2010

\_\_\_\_\_  
Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X** \_\_\_\_\_  
Signature of Foreign Representative

\_\_\_\_\_  
Printed Name of Foreign Representative

\_\_\_\_\_  
Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

\_\_\_\_\_  
Printed Name and title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

\_\_\_\_\_  
Address

**X** \_\_\_\_\_  
Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.*

**United States Bankruptcy Court**  
**District of New Hampshire**

In re Victor Virgin Construction Corp.

Debtor(s)

Case No.

Chapter

11

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
CNA Surety 333 South Wabash Chicago, IL 60604	CNA Surety 333 South Wabash Chicago, IL 60604	Trade debt		400,000.00
TD Bank PO Box 9540 Portland, ME 04112-0001	TD Bank PO Box 9540 Portland, ME 04112-0001	Commercial Loan		300,000.00
Pike Industries 3 Eastgate Park Road Belmont, NH 03220	Pike Industries 3 Eastgate Park Road Belmont, NH 03220	Job Cost		200,005.40
Wells Fargo 1540 West Fountainhead Parkway Tempe, AZ 85282	Wells Fargo 1540 West Fountainhead Parkway Tempe, AZ 85282	Deficiency balance on Volvo 330		42,230.78
D'Amante Couser Steiner PO Box 2650 Concord, NH 03302-2650	D'Amante Couser Steiner PO Box 2650 Concord, NH 03302-2650	Legal fees		38,993.81
Bank of America PO Box 15026 Wilmington, DE 19886-5019	Bank of America PO Box 15026 Wilmington, DE 19886-5019	Credit card purchases		30,312.16
Robert G. Stinson Co. PC PO Box 717 Laconia, NH 03247	Robert G. Stinson Co. PC PO Box 717 Laconia, NH 03247	Services		13,875.00
Gallagher, Callahan & Gartrell PO Box 1415 Concord, NH 03302-1415	Gallagher, Callahan & Gartrell PO Box 1415 Concord, NH 03302-1415	Legal fees		12,000.00
Detto (First Equity) SST Card Services PO Box 23060 Columbus, GA 31902-3060	Detto (First Equity) SST Card Services PO Box 23060 Columbus, GA 31902-3060	Credit card purchases		7,790.93
Public Works Supply Co 27 Garden Street Danvers, MA 01923	Public Works Supply Co 27 Garden Street Danvers, MA 01923	Job Cost		5,847.06
Phoenix Precast Products 77 Regional Drive Concord, NH 03301	Phoenix Precast Products 77 Regional Drive Concord, NH 03301	Job Cost		5,821.50

In re **Victor Virgin Construction Corp.**

Case No. \_\_\_\_\_

Debtor(s)

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Wright Express PO Box 639 Portland, ME 04104	Wright Express PO Box 639 Portland, ME 04104	Job Cost		5,819.61
Suburban Paving Inc. PO Box 587 Suncook, NH 03275	Suburban Paving Inc. PO Box 587 Suncook, NH 03275	Job Cost		5,761.50
Richard D. Bartlett & Assoc LLC 214 North State Street Concord, NH 03301	Richard D. Bartlett & Assoc LLC 214 North State Street Concord, NH 03301	Services		4,906.50
CNH Capital Dept CH10460 Palatine, IL 60055-0460	CNH Capital Dept CH10460 Palatine, IL 60055-0460	Credit card purchases		4,416.09
Scituate Concrete Pipe Corp. PPO Box 870 Scituate, MA 02066-0870	Scituate Concrete Pipe Corp. PPO Box 870 Scituate, MA 02066-0870	Trade debt		3,108.75
Hansen Bridge 1252 County Road New London, NH 03257	Hansen Bridge 1252 County Road New London, NH 03257	Services		3,000.00
Winwater Company 12 Sandquist Street Concord, NH 03301	Winwater Company 12 Sandquist Street Concord, NH 03301	Job Cost		2,729.34
Severino Trucking Co., Inc. PO Box 202 Candia, NH 03034	Severino Trucking Co., Inc. PO Box 202 Candia, NH 03034	Services		2,013.00
Third Party Administrators 116 South River Road Building D, Unit 4 Bedford, NH 03110	Third Party Administrators 116 South River Road Building D, Unit 4 Bedford, NH 03110	Job Cost		1,225.00

**DECLARATION UNDER PENALTY OF PERJURY  
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date **November 17, 2010**Signature **/s/ Victor Virgin**
**Victor Virgin  
President**

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court  
District of New Hampshire**

In re **Victor Virgin Construction Corp.**

Debtor(s)

Case No.  
Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **November 17, 2010**

**/s/ Victor Virgin**

**Victor Virgin/President**  
Signer/Title

American Flagging & Traffic  
PO Box 1746  
Salem, NH 03079

Associated General Contractors  
48 Grandview Road  
Bow, NH 03304

ATS Equipment, Inc.  
133 Raymond Road  
Candia, NH 03034

Bank of America  
PO Box 15026  
Wilmington, DE 19886-5019

Brookline Police Department  
PO Box 341  
Brookline, NH 03033

Capital One  
PO Box 71083  
Charlotte, NC 28272-1083

CNA Surety  
333 South Wabash  
Chicago, IL 60604

CNH Capital  
Dept CH10460  
Palatine, IL 60055-0460

D'Amante Couser Steiner  
PO Box 2650  
Concord, NH 03302-2650

Detto (First Equity)  
SST Card Services  
PO Box 23060  
Columbus, GA 31902-3060

Fairpoint Communications  
PO Box 11021  
Lewiston, ME 04243-9472

Fastenal Company  
PO Box 978  
Winona, MN 55987-0978

Fed Ex  
PO Box 371461  
Pittsburgh, PA 15250-7461

Gallagher, Callahan & Gartrell  
PO Box 1415  
Concord, NH 03302-1415

Getman Stacey Schultes  
Three Executive Park Drive, Suite 9  
Bedford, NH 03110

Hansen Bridge  
1252 County Road  
New London, NH 03257

New England Signal Systems, Inc.  
PO Box 326  
Northwood, NH 03261

Nextel  
PO Box 4181  
Carol Stream, IL 60197-4181

Phoenix Precast Products  
77 Regional Drive  
Concord, NH 03301

Pike Industries  
3 Eastgate Park Road  
Belmont, NH 03220

Pitney Bowes Global Financial Services  
PO Box 856460  
Louisville, KY 40285

Pitney Bowes Purchase Power  
PO Box 856042  
Louisville, KY 40285

Public Works Supply Co  
27 Garden Street  
Danvers, MA 01923

Richard D. Bartlett & Assoc LLC  
214 North State Street  
Concord, NH 03301

Robert G. Stinson Co. PC  
PO Box 717  
Laconia, NH 03247

Scituate Concrete Pipe Corp.  
PPO Box 870  
Scituate, MA 02066-0870

Severino Trucking Co., Inc.  
PO Box 202  
Candia, NH 03034

Suburban Paving Inc.  
PO Box 587  
Suncook, NH 03275

TD Bank  
PO Box 9540  
Portland, ME 04112-0001

Third Party Administrators  
116 South River Road  
Building D, Unit 4  
Bedford, NH 03110

Wells Fargo  
1540 West Fountainhead Parkway  
Tempe, AZ 85282

Winwater Company  
12 Sandquist Street  
Concord, NH 03301

Wright Express  
PO Box 639  
Portland, ME 04104